

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TIMOTHY DEROME PETTIES, ESQ.,

Plaintiff,

-against-

KISHA SMALLS, Warden; D. RIVIEZZO,  
Judge,

Defendants.

20-CV-4976 (CM)

ORDER

COLLEEN McMAHON, Chief United States District Judge:

On June 5, 2020, Plaintiff filed a *pro se* complaint under 42 U.S.C. § 1983, alleging that defendants violated his federal constitutional rights. The Clerk of Court opened that complaint under civil case number 20-CV-4350 (UA).

On June 25, 2020, the Court received a submission from Plaintiff that included a copy of the original complaint with additional supporting documents, and a cover letter indicating that he is submitting the documents in support of the claims in his original filing. But the Clerk of Court opened Plaintiff's letter as a new civil action under this docket number, 20-CV-4976 (CM).

Because Plaintiff makes it clear that he submitted the documents that were opened as a new action as a supplement to his complaint under case number 20-CV-4350 (UA), this duplicate action was opened in error. The Clerk of Court is therefore directed to administratively close this action.

The Clerk of Court is further directed to mail a copy of this order to Plaintiff and note service on the docket.

This order closes the case under this docket number, 20-CV-4976 (CM).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: July 9, 2020  
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", is written over a horizontal line.

COLLEEN McMAHON  
Chief United States District Judge